

State of Michigan



Michigan Office of Administrative Hearings and Rules

Medicaid Hearings

MICHIGAN OFFICE OF
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AND RULES
for the
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Medicaid Hearings are held by the Michigan Office of Administrative Hearings and Rules (MOAHR) for the Michigan Department of Health and Human Services (MDHHS). This process is available to everyone who applies for or receives Medicaid benefits and services. A Hearing is a chance for you to ask an Administrative Law Judge (ALJ) with MOAHR to look at your case and confirm whether the decision that was made followed Medicaid policy, rules, and contracts.

42 CFR 431.200 et seq.

42 CFR 438.1 et seq.

DCH 4829-0700 (MOAHR) Rev. 2/23

When can you ask for a hearing?

You (your parent or guardian if you are a minor, or your authorized or legal representative) may ask for a hearing when any of the following things happen:

- You are denied enrollment in Medicaid.
- You are denied a Medicaid service or did not get all the services you asked for.
- Medicaid services you are already getting are going to be reduced or ended.
- Medicaid did not pay for part or all of a service.
- Decisions about Medicaid eligibility, enrollment, or services are taking too long.
- You disagree with a decision that MDHHS, its contractor, or a managed care organization (MCO) made.
- Your MCO has not replied to your internal appeal.
- You disagree with out-of-pocket costs you must pay.
- You disagree with a decision to move you to a different nursing home.
- You disagree with being discharged from a nursing home.
- You disagree with a pre-admission screening or annual resident review.

When decisions are made about your Medicaid eligibility, enrollment, or your Medicaid services, a letter must be sent to you. This is called a notice. You should get a notice when your Medicaid benefits or services are denied, reduced, or ended. The notice tells you who made the decision, when it takes effect, and other information.

Managed Care Health Plans, MI Health Link Plans, Community Mental Health Services Programs (CMHSP), Prepaid Inpatient Health Plans (PIHP), MI Choice Waiver Programs, and Healthy Kids Dental Programs are all MCOs. They have special rules. You must ask for an internal appeal with the MCO before you can ask for a hearing from MOAHR. The notice from the MCO will tell you about the action taken and the internal appeals process you can use if you disagree with that action.

How long do you have to ask for a hearing and can benefits continue?

The notice you get will tell you how many days you have to ask for a hearing. You will get an advance notice if services you are getting are going to reduce or end. You will need to act quickly if you want those services to stay in place while your case is under review.

For actions NOT taken by an MCO:

- You have 90 days from the date that the notice was mailed to you to ask for a hearing.
- If you are asking that benefits you are getting continue, you must ask that the benefits continue in your request and send the request in before the date the notice said the benefits would change or stop.

For actions that were taken by an MCO, and you have gone through the internal appeals process:

- You have 120 days from the date of the notice from the MCO to ask for a State Fair Hearing.

- If you are asking that benefits you are getting continue, you must have asked for those benefits to continue in your internal appeals to be able to ask for them to continue in your hearing request. The hearing request will need to be sent before the date of the Notice of Resolution from the MCO states they will change or stop.
- If you asked the MCO for an internal appeal and you did not get a response from the MCO within 30 days (or 44 days if there was an extension), you can ask for a State Fair Hearing for lack of response.

If you think an action was taken that you did not get a notice for, you can still ask for a hearing.

The notices will have information on how to ask for an appeal or hearing and where to call if you need help or have questions. MCOs have Member Handbooks that have information on appeals and hearings.

Can someone represent you at the hearing?

Yes, you may have another person represent you at the hearing. You need to tell us who you want to represent you in writing and you both need to sign the request. The hearing form has a section for an authorized hearing representative (AHR) that you can fill out.

MDHHS does not pay for a lawyer, legal fees, or give legal advice.

How do you ask for a hearing?

When you get a notice, you should also get a hearing request form. There are different hearing forms depending on the action taken and who sent the notice.

- If you want a hearing because you were denied eligibility for Medicaid, you should get the Request for Hearing (DHS-18) form that you need to send to your MDHHS local office. Your MDHHS worker can help you with this type of hearing.
- If you want a hearing because you were denied Medicaid services or admission into facilities or Waiver Programs, you will get the Request for Hearing for Medicaid Enrollees, PACE Enrollees or MI Choice Waiver Enrollees (DCH-0092) form.
- If you want a hearing because you were denied Medicaid services by your MCO, once you have gone through the MCO internal appeals process, you will get the Request for State Fair Hearings (MDHHS-5617) form.

The hearing forms have information on how to fill them out and send them in. You can use the forms to ask for a hearing, but you do not have to.

The hearing request needs to be signed by you or your parent or legal guardian. If you have an AHR, they must sign the request too.

If you do not have a hearing form, you can get one from the following agencies:

- MDHHS Local Office
- Medicaid Health Plan
- Healthy Kids Dental Plan
- MI Health Link Plans
- MI Choice Waiver Agency
- PACE Agency
- CMHSP or PIHP
- MI ENROLLS call: 800-642-3195
TTY: 866-501-5656
- Online www.michigan.gov/mdhhs
Click >> Assistance Programs >> Medicaid >> Medicaid >> Program Resources >> Michigan Office of Administrative Hearings and Rules
- Online www.michigan.gov/lara
Click >> Bureaus >> Michigan Office of Administrative Hearings and Rules >> Benefit Services Hearings

How will you be notified of the hearing date and location?

After you ask for a hearing, MOAHR will send you a Notice of Hearing in the mail that tells you the date, time, and how to be a part of the hearing. This notice also tells you what to do if the date, time, or location of the hearing will not work for you.

Who will hear your case and where will the hearing be held?

An ALJ from MOAHR will hear your case. Hearings are held by telephone or video (computer) conference call. The Notice of Hearing will tell you how to call into the hearing with the telephone number and pass code to use to reach the ALJ at the date and time listed. You can call from any

place where you will have privacy to talk. If your hearing request listed an AHR, they will get this information too. You can have witnesses with you to be a part of the hearing.

You may ask for an in-person hearing with the ALJ by mailing or faxing a written letter to MOAHR telling them why you want the hearing to be in-person. The ALJ will decide if there is good cause to hold your hearing in-person and will decide who will be in-person. In-person hearings could be at a MDHHS local office, CMHSP or PIHP office, or the Cadillac Place in Detroit.

What will happen at the hearing?

The ALJ will start the hearing once everyone calls in and will explain what will happen. The hearing will be recorded and everyone taking part in the hearing will be sworn in. You will get to tell the ALJ why you asked for the hearing. The agency representative or MCO will tell the ALJ what action was taken and present testimony and witnesses to support the action. You will be able to ask questions and can have witnesses if you want. You may be asked questions by the agency or MCO. The ALJ may also ask questions. If you do not understand the questions, you can ask the ALJ to help you. The ALJ will explain what will happen after the hearing.

How will you get the hearing decision?

The ALJ will send you, and your AHR if you had one, a written Decision and Order in the mail. It will tell you the decision that was made and why. You may get an Order of Dismissal in the

mail if you withdrew your request before or during the hearing or if you did not show up for the hearing.

What if you disagree with the decision?

You can ask MOAHR for a rehearing or reconsideration of the decision. This needs to be in writing within 30 days of the date the Decision and Order was mailed to you. You can also appeal to your county circuit court. Circuit court appeals need to be filed within 30 days of the date the Decision and Order was mailed to you. Information on how to do this will be in the Decision and Order.

Health Information Disclosure

When you ask for a hearing, all information about your case that is needed for the hearing will be shared with everyone that is taking part in the hearing. This information will be used for purposes related to the hearings process.

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule allows MDHHS, its contracted agencies, MCOs, and MOAHR to share information without your written permission. This is because this information is needed to decide if you are eligible for Medicaid, Medicaid-covered services, or if Medicaid can pay for those services.

When you have someone represent you or speak on your behalf at a hearing, you agree this person can hear the information.

For More Information

You can write, call, fax, or email MOAHR.